I. PURPOSE

This directive:

A. outlines the procedures for impounding vehicles in violation of certain Municipal Code of Chicago (MCC) ordinances.

B. continues the Vehicle Impoundment/Seizure Report (CPD-34.347).

II. GENERAL INFORMATION

A. Towing for impounded vehicles is provided by the Department of Streets and Sanitation or its authorized agents.

B. Vehicles impounded for municipal code violations will generally be towed to Auto Pound 2 or 6, depending on the initial geographic location of the vehicle.

C. Administrative hearings for all vehicle impoundments, including vehicle title holders seeking release of impounded vehicles, are conducted by the Department of Administrative Hearings.

D. A vehicle owner contacted by the Auto Pounds Section after their vehicle has been impounded may waive a hearing and then pay the fine, towing and storage charges to retrieve the vehicle.

E. Members will not appear at a vehicle impoundment hearing unless notified to appear. Members appearing at a hearing will follow the procedures established in the Department directive titled "Municipal Administrative Hearings."

F. Supervisors notified by a member of their inability to appear at a scheduled vehicle impoundment hearing requiring their appearance, will notify personnel of the Department of Business Affairs and Consumer Protection for public passenger vehicle cases, and the Assistant Corporation Counsel for other MCC impoundment violations.

III. GENERAL IMPOUNDMENT PROCEDURES

A. MCC Impoundment Violations

1. **MCC 8-20-070** Unlawful firearm, laser sight accessory, firearm silencer, or muffler in a motor vehicle

   NOTE: This includes any motor vehicle that contains a firearm carried or possessed in violation of any applicable state or federal law other than the expiration of a FOID card or concealed carry license of a person who otherwise remains qualified under Illinois law to lawfully possess or carry firearms.

2. **MCC 7-24-225** Unlawful drugs in motor vehicle

   Department members will only impound a motor vehicle subsequent to a violation of MCC 7-24-225 if the motor vehicle:

   a. is used in connection with the purchase or attempt to purchase, sale or attempt to sell, a controlled substance as defined in the Illinois Controlled Substance Act as
demonstrated by, including, but not limited to, the amount of such controlled
substance contained in the vehicle (MCC 7-24-225(a)); or
b. is used in unlawful sale or unlawful attempt to sell cannabis (MCC 7-24-225(b)).
3. **MCC 7-24-226** Driving while intoxicated
4. **MCC 9-80-240** Driving with a revoked or suspended license
   a. *Department members will not impound a motor vehicle subsequent to a violation of MCC 9-80-240 if it is determined that the vehicle operator’s driver’s license is suspended because of:*
      (1) failure to pay any fine due and owing for any one or more of the following: parking, standing, compliance, automated speed enforcement system, or automated traffic law enforcement system violations (625 ILCS 5/306.5); or
      (2) failure to comply with emission testing (5/13C-55(a)(2)).
5. **MCC 9-80-220** False or stolen vehicle registration
   **NOTE:** Department members will also follow the additional procedures outlined in Item V of this directive.
6. **MCC 9-80-225** Display of false, stolen, or altered Disability Parking Device (DPD)
   **NOTE:** Department members will also follow the additional procedures outlined in Item V of this directive.
7. **MCC 8-8-060** Solicitation for prostitution
8. Unlicensed vehicles
   a. **MCC 9-112-640** Impoundment - Unlicensed Taxi Cabs
   b. **MCC 9-114-420** Impoundment - Other Unlicensed Public Passenger Vehicles
   c. **MCC 9-115-240** Impoundment - Unlicensed Transportation Network Provider Vehicles
   **NOTE:** Department members will also follow the additional procedures outlined in Item IV of this directive.
9. **MCC 15-20-270** Unlawful fireworks in motor vehicle
   **NOTE:** *This does not apply to sparklers or if the only illegal fireworks present in the vehicle are intended for personal use.*
10. **MCC 9-92-035** Impoundment of fleeing vehicles
    **NOTE:** The procedures outlined in Item VI of this directive will apply for vehicles impounded pursuant to MCC 9-92-035.
11. **MCC 9-48-100** Neighborhood electric vehicles
12. **MCC 9-12-090** Drag racing
B. Whenever a Department member has probable cause to believe that a vehicle is subject to impoundment pursuant to a violation of the Municipal Code of Chicago, the member will:
   1. when possible, inform the person in control of the vehicle that it will be impounded and of the vehicle owner’s right to have a vehicle impoundment hearing conducted under the MCC.
2. obtain a Seizure Notice sticker (CPD-21.627) and
   a. affix the Seizure Notice sticker to the driver's side front door window of the
      impounded vehicle. If the Seizure Notice sticker cannot be affixed to the driver's side
      front door window, Department members will affix the Seizure Notice sticker on a
      clearly visible location of the impounded vehicle.
   b. indicate on the Vehicle Impoundment/Seizure Report associated with the
      impoundment where the Seizure Notice sticker was affixed to the vehicle.

   NOTE: The Municipal Code of Chicago does not allow for any enforcement
   action on vehicles displaying the Seizure Notice sticker. Department
   members will not take enforcement action on a vehicle or a driver
   based solely on the display of a Seizure Notice sticker.

3. complete the appropriate case report or other applicable citation(s) (i.e., Personal Service
   citation for driving under the influence, reckless driving)

   NOTE: Drivers licenses cannot be sent to the DAH. A traffic violation that requires
   the confiscation of a drivers license must be issued on a Personal Service
   citation and sent to the appropriate court.

4. if appropriate, issue the operator an ANOV citation for the following MCC violations:
   a. MCC 9-12-090 Drag Racing
   b. MCC 8-8-060 Solicitation for Prostitution
   c. MCC 9-112-020 License Required - Taxi Cabs
   d. MCC 9-114-020 License Required - Other Public Passenger Vehicles
   e. MCC 9-115-020 License Required - Transportation Network Provider Vehicles
   f. MCC 9-48-100 Neighborhood Electric Vehicles

   NOTE: The ANOV citation will be scheduled for a hearing in accordance with the
   procedures established in the Department directive titled "Municipal
   Administrative Hearings." The impoundment hearing is separate from the
   ANOV citation hearing.

5. if the situation warrants, (e.g., drug or firearm violation) an Arrest Report and complaints will
   be completed in accordance with the Department directive titled "Processing Persons
   Under Department Control." Department members will indicate on the Arrest Report:
   a. the disposition of the vehicle (e.g., towed, impounded, seized), and
   b. the vehicle descriptors including the year, make, model, license plate number and
      VIN, when available.

6. complete a Vehicle Impoundment/Seizure Report (CPD-34.347) and:
   a. indicate on the Vehicle Impoundment/Seizure Report all of the impoundment
      violations that apply. If a violation is not pre-printed on the Vehicle Impoundment/
Seizure Report, the member will cite the charge and description in the "Other Impoundment" section of the report.

**EXCEPTION:** If a violation subjects the vehicle to seizure, only indicate one (1) seizure violation regardless of the number of impoundment violations and follow the procedures outlined in the Department directive titled "Seizure and Forfeiture of Vehicles, Vessels, and Aircraft."

b. complete all the information requested on the report. A computer check of the vehicle's VIN must be completed and the information recorded in the appropriate spaces on the report.

c. document, with specificity, the circumstances which justify the request for the vehicle impoundment and include a detailed description of the offense committed in the narrative section. The hearing officer must be able to understand the action that constituted the offense since the issuing officer will not be present during the preliminary hearing.

d. note their court key, day off group, and furlough.

e. attest to the information contained in the report by signing and placing their star number on the Vehicle Impoundment/Seizure Report.

f. upon completion, submit the Vehicle Impoundment/Seizure Report and any other applicable report(s) to the appropriate supervisor for approval.

7. remove and inventory personal property found within the vehicle. If the vehicle keys are available, personal property within a locked glove compartment or trunk will be removed and inventoried. The property inventory number will be indicated on the Vehicle Impoundment/Seizure Report. In situations where personal property is discovered in a vehicle that has been towed into an auto pound, OEMC will dispatch a vehicle from the district where the auto pound is located to inventory the property in accordance with the Department directive titled "Processing Property Under Department Control."

**NOTE:** Department members will contact the Evidence and Recovered Property Section for technical advice (24 hours) prior to impounding a vehicle that contains perishable goods, such as meats or produce.

8. after the Vehicle Impoundment/Seizure Report has been approved by the appropriate supervisor:

a. request a tow via OEMC to have the vehicle towed to a holding facility controlled by the City of Chicago or its agents, and:

   (1) provide the OEMC dispatcher with the year, make, model, VIN, and state license plate number.

   (2) indicate whether the vehicle will "roll" (either two front or two rear wheels have inflated tires) or must be towed using a "flatbed" tow truck.

   (3) obtain an S&S towing number from the dispatcher. The S&S towing number will be recorded on the Vehicle Impoundment/Seizure Report in the box provided.

   **NOTE:** The S&S towing number will be in addition to any required Records Division (RD) number, if applicable.

b. include the "Investigating Unit" copy in the vehicle document file.
c. give the "Respondent" copy to the **owner of record or** the person in control of the vehicle **before or at the time the vehicle is towed.**

**NOTE:** When impounding a parked vehicle, submit the "Respondent" copy with the vehicle document file.

d. place the "Tow Truck Driver" and "Requesting Unit" copy of the Vehicle Impoundment/Seizure Report in the Streets and Sanitation "Tow" Basket.

**NOTE:** Upon their arrival, tow truck drivers will sign the Vehicle Impoundment/Seizure Report and leave the "Requesting Unit" copy of the report in the basket for use by district review personnel.

### C. Station supervisors will ensure:

1. submitted Vehicle Impoundment/Seizure Reports, including those indicating "Other Impoundment", are filled out completely, reviewed for accuracy, and, if appropriate, approved, indicated by signing the report, prior to the vehicle being impounded.

2. the approved "Tow Truck Driver" and "Requesting Unit" copy of the Vehicle Impoundment/Seizure Reports are deposited in the marked "Tow" basket located in the district station.

3. the tow truck driver retrieves the Vehicle Impoundment/Seizure Report from the district station, signs the report, and leaves the "Requesting Unit" copy at the desk.

4. vehicles that are gone on arrival (GOA) are processed accordingly.

### IV. VEHICLE IMPOUNDMENT UNDER MCC 9-112-640, 9-114-420, AND 9-115-420

#### A. The Department of Business Affairs and Consumer Protection is responsible for the licensing and regulating of licensed vehicles and their drivers in the City of Chicago. These vehicles include taxi cabs, livery vehicles (limousines), passenger transportation vehicles (charters), and transportation network provider (rideshare) vehicles that operate throughout the City. These City licensed vehicles are identifiable by either a medallion affixed to the hood and a laminated hard card or both with the current year on it. These City licensed vehicles are not normally subject to impoundment under public vehicle license violations but may be impounded for any of the other MCC impoundment violations (e.g., firearm violation, prostitution, etc.).

#### B. The City experiences numerous problems with operators of suburban taxis, liveries (limousines) and passenger transportation vehicles unlicensed by the Department of Business Affairs and Consumer Protection crossing the City boundaries to solicit business. Some vehicles may be licensed by the State of Illinois or a suburb but are not licensed by the City of Chicago. Vehicles unlicensed by the City of Chicago may only operate within the corporate limits of the City under the following narrow circumstances:

1. Suburban operators are allowed to pick up a fare or passenger within the City limits that was prearranged (e.g., a suburban cab or livery company is telephonically contacted to make a pickup). The passenger must then be dropped off at a location outside of the City.

2. Suburban operators may drop off a fare inside the City limits if that fare has been picked up at a location outside of the City of Chicago.

3. The suburban operator must not solicit or accept any fares while in the City of Chicago.

#### C. Unlicensed Vehicles Operating Within the City of Chicago

1. Vehicles without passenger vehicle licensing from the State, City of Chicago or any suburban municipality are not allowed to operate in the City at any time. Such vehicles, known as "gypsy cabs" will usually attempt to solicit fares outside of the downtown area and many times at or near public transportation centers (i.e., Greyhound bus depots, Chicago Transit Authority terminals, etc.).
2. "Gypsy cabs" are often former cabs that have been resold and may look like legitimately licensed taxi or livery vehicles. A closer inspection will disclose that they have no license or medallion issued by the Department of Business Affairs and Consumer Protection.

D. Any vehicle licensed outside of the City or an unlicensed vehicle (gypsy cab) operating for hire within the City of Chicago is subject to impoundment under the Municipal Code of Chicago (MCC).

E. Additional Procedures

Whenever a Department member impounds a vehicle for a licensing violation, the member will:

1. issue the operator an ANOV citation citing the appropriate violation.
2. indicate the appropriate violation on the Vehicle Impoundment/Seizure Report that the vehicle is being impounded pursuant to:
   a. MCC 9-112-640 for Unlicensed Taxi Cabs, or
   b. MCC 9-114-420 for Other Unlicensed Public Passenger Vehicles
   c. MCC 9-115-240 for Unlicensed Transportation Network Provider Vehicles

F. Department members with questions or needing further clarification / assistance when processing a public passenger vehicle can contact the Public Vehicle Enforcement Unit (24 hours) or the Department of Business Affairs and Consumer Protection during normal business hours.

V. FALSE OR STOLEN VEHICLE REGISTRATION OR DISABILITY PARKING DEVICE (DPD) IMPOUNDMENT

A. The MCC 9-80-220 prohibits a vehicle on the public way from displaying a false, stolen, or altered vehicle registration (license plates). This ordinance applies to temporary as well as permanent registration but does not apply to vehicle registration that is expired but otherwise legitimate.

NOTE: The prohibition applies whether a vehicle is parked or being driven. The operator of a vehicle bearing altered registration should be issued a ANOV citation but the vehicle is not eligible for impoundment.

B. The MCC 9-80-225 prohibits a parked vehicle from displaying a false, fraudulent, fictitious, stolen, or altered Disability Parking Device (DPD). This ordinance also applies to DPDs that are expired for more than 30 days but are otherwise legitimate.

   1. Disability Parking Devices (DPD) include disability license plates, parking decals, or other devices used to identify a vehicle as used by a person with a disability that are issued pursuant to Section 3-609, 3-616 or Section 11-1301.2 of the Illinois Vehicle Code.

   2. This ordinance only applies to parked vehicles located on the public way, in any space designated by signage as a person with a disability parking space, in any metered space, or in any parking stall of a private or public parking lot designated by the lot owner or his agent as reserved for a person with disability parking .

C. Additional Procedures

Whenever a Department member has probable cause to believe that a vehicle bears a false or stolen vehicle registration or DPD, and is subject to impoundment, the member will:

1. attempt to verify the owner of record of the vehicle with the Secretary of State through the dispatcher or the PDT.
3. if the vehicle is being operated with a false, stolen, or altered vehicle registration, charge the person in control of the vehicle with a violation of the appropriate state offense relating to certificates of title. If a physical arrest is warranted, an Arrest Report and complaints will be
completed in accordance with the Department directive titled "Processing Persons Under Department Control."

4. if the vehicle registration or DPD is accessible (i.e., vehicle is unlocked, the vehicle registration or DPD is mounted outside the vehicle), remove the vehicle registration or DPD and inventory it as described in the Department directive titled "Processing Property Under Department Control." The member will also make a photocopy of the vehicle registration or DPD to be put into the vehicle document file.

NOTE: The member will ensure that the proper copy of the inventory report is attached to the court documents as described in the Department directive titled "Processing Property Under Department Control."

5. if the vehicle registration or DPD is not accessible (i.e., vehicle is locked), request the assignment of an evidence technician for an impoundment under MCC 9-80-220 or MCC 9-80-225, as appropriate.

NOTE: When requesting the evidence technician, members will include the specific reason for the impound, as noted above.

6. indicate on the Vehicle Impoundment/Seizure Report that the vehicle is being impounded pursuant to MCC 9-80-220 or MCC 9-80-225, as appropriate, and include the following additional information:

   a. The member will explain in the narrative the specific facts and list all underlying details which led to the member’s development of probable cause that the vehicle bears a false or stolen vehicle registration or DPD.

   b. If the vehicle registration or DPD is inventoried, the member will record the property inventory number in the appropriate box.

   c. If the vehicle registration or DPD is not inventoried, the member will record in the first line of the narrative that an evidence technician was requested.

D. OEMC personnel will collect all requests for an evidence technician for an impoundment under MCC 9-80-220 or MCC 9-80-225 and hold all such requests until the beginning of the second watch each day. At that time, OEMC personnel will assign all collected requests at the same auto pound to one evidence technician for processing.

E. The assigned evidence technician will respond to the designated auto pound to process the impounded vehicles. Processing will include the close-up photographing of the false or stolen vehicle registration or DPD. The evidence technician will complete the Crime Scene Processing Report at the auto pound and submit a copy to Streets and Sanitation auto pound personnel for inclusion with the tow package.

VI. FLEEING VEHICLE IMPOUNDMENT UNDER MCC 9-92-035

A. Upon the discontinuation of a pursuit and unsuccessful apprehension of a fleeing vehicle or when a vehicle flees and no pursuit is initiated, Department members are authorized to request an impoundment of the fleeing vehicle.

B. The Auto Pounds Section will notify the vehicle owner of record by mail that the vehicle is subject to impoundment. Vehicle owners may request a hearing to contest the intent to impound their vehicle by contacting the Department of Administrative Hearings within 14 days of the Date of Notice.

C. A vehicle whose owner is notified of the intent of the City of Chicago to impound their vehicle and does not contest the eligibility, or who fails to prevail in contesting the eligibility, will be eligible for immediate impoundment if it is found on the public way within a 12 month period.

D. Procedures for Requesting a Vehicle Impoundment

1. Department members are authorized to request a vehicle impoundment when they attempt to stop a vehicle in a marked Department vehicle, with the emergency roof lights and siren
activated, or in an **unmarked** Department vehicle, with the high-beam oscillating headlights and siren activated and:

a. the driver of the vehicle fails or refuses to stop after an attempt by the police to curb the vehicle; and

b. for reasons of public safety, the member(s), does not pursue, voluntarily abandons or discontinues the pursuit, or is ordered to terminate the pursuit by a supervisor.

2. Upon discontinuing a pursuit or following the decision not to pursue an eluding vehicle, the member(s) will follow the requirements outlined in the Department directive titled "Emergency Vehicle Operations - Eluding and Pursuing."  

3. The requesting member will complete a Request for Impound Vehicle By Police (CPD-34.342) and submit it to the station supervisor in the district of initiation for approval.  

4. The station supervisor will:

   a. review the completed Request to Impound Vehicle by Police and, if appropriate, indicate approval by signing in the appropriate box.

   b. forward the completed Request to Impound Vehicle to the district commander/unit commanding officer.

   c. process the Pursuit Report or Eluding Vehicle Incident Report (CPD-22.962) as outlined in the Department directive titled "Emergency Vehicle Operations - Eluding and Pursuing."

5. Upon approval, the district commander/unit commanding officer will forward the original Request to Impound Vehicle by Police form to the Auto Pounds Section and retain the copy in the district/unit files per the existing record retention requirements.

E. Procedures for Notifying the Owner of the Vehicle of Intent to Impound

1. Upon receipt of a Request To Impound Vehicle By Police, personnel assigned to the Auto Pounds Section will:

   a. determine the owner of record of the vehicle described in the request.

   b. complete a Notice Of Intent To Impound Vehicle (CPD-34.343).

   c. send the Notice Of Intent To Impound Vehicle form to the owner of record, via certified mail, no return receipt.

   d. forward a copy of the Notice Of Intent To Impound Vehicle form to the Department of Administrative Hearings.

2. Vehicle owners who contest their eligibility for impoundment but do not prevail in the administrative hearing will have their vehicle registration information added to the Hot Desk by the Auto Pounds Section personnel.

F. Vehicle Eligible for Impoundment found on the Public Way

1. If a vehicle eligible for impoundment under this ordinance is found on the public way, the member(s) will verify from the Hot Desk that the vehicle is eligible for impoundment and follow the procedures outlined in Item III of this directive, indicating the violation the vehicle is being impounded for, MCC 9-92-035 Impoundment of Fleeing Vehicles, in the "Other Impoundment" section of the Vehicle Impoundment/Seizure Report.

2. Station supervisors will review and, if appropriate, approve submitted Vehicle Impoundment/Seizure Reports, consistent with the procedures outlined in Item III-C.

G. Procedures Followed After Vehicle is Impounded

1. Vehicles impounded for violation of MCC 9-92-035 will be towed to Auto Pound 1. When a towed vehicle reaches the pound, Auto Pounds Section personnel will contact the Auto
Pounds Section Headquarters and indicate that a vehicle is being held on a MCC violation for an unlawful attempt to flee from the police.

2. When informed that an eligible vehicle has been impounded, personnel assigned to the Auto Pounds Section will forward the original file of the impounded vehicle to the Department of Administrative Hearings and remove the vehicle information from the Hot Desk.

VII. VEHICLE DOCUMENT FILES

A. The requesting member will submit a vehicle document file to the station supervisor, containing the "Investigating Unit" copy of the approved Vehicle Impoundment/Seizure Report and a photocopy of:

1. any ANOV, Personal Service, or other citation(s), if applicable.
2. the violator's driver's license, if applicable.
3. the case report, Arrest Report, inventory report, and criminal complaints, if applicable.
4. for impoundments under MCC 9-80-220, the vehicle registration, if it has been inventoried.
5. for impoundments under MCC 9-80-225, the DPD, if it has been inventoried.
6. for impoundments under MCC 7-24-226(a), when impounding a vehicle for a violation of 625 ILCS 5/11-501, the following forms:
   a. Alcohol/Drug Influence Report (CPD-22.118);
   b. Warning to Motorist;
   c. Law Enforcement Sworn Report;
   d. Breath Test Record;
   e. Field Sobriety Booklet notes, if used;
   f. Illinois Traffic Crash Report, if applicable; and
   g. Any other applicable reports.

B. The station supervisor will review the vehicle document file for completeness and if approved ensure:

1. a copy of the Vehicle Impoundment/Seizure Report is faxed to the Department of Administrative Hearings.

   NOTE: Whenever contact by fax is not possible, the reason will be annotated on the top of the Vehicle Impoundment/Seizure Report.

2. a photocopy of the Vehicle Impoundment/Seizure report and a complete vehicle document file are forwarded via Department mail to:
   a. the Department of Business Affairs and Consumer Protection for public passenger vehicle impoundments under MCC 9-112-640 or 9-114-420.
   b. the Department of Streets and Sanitation - Traffic Services, for all other impoundments.

3. the "Investigating Unit" copy of the Vehicle Impoundment/Seizure Report and a complete vehicle document file are forwarded via Department mail to the Asset Forfeiture Division for all vehicle impoundments that are not subject to seizure.

   NOTE: If the vehicle is also subject to seizure, Department members will forward a photocopy of the Vehicle Impoundment/Seizure Report with the vehicle document file to the Asset Forfeiture Division. The "Investigating Unit" copy will be forwarded consistent with the procedures and file routing requirements outlined in the Department directive titled "Seizure and Forfeiture of Vehicles, Vessels, and Aircraft."
PHONE BOOK ENTRIES:

1. Department of Administrative Hearings
   400 W. Superior
   312-742-4747 / 312-742-8248 (FAX)

2. Department of Business Affairs and Consumer Protection
   121 N. LaSalle, Room 805 Chicago, IL 60602
   312-744-6060

3. City of Chicago - Assistant Corporation Counsel
   312-742-8421

4. Evidence & Recovered Property Section - Service Counter
   PAX 4289
   24 Hours

5. Public Vehicle Enforcement Unit
   PAX 0157